

30th June 1952]

APPENDIX I.

[Vide answer to starred question No. 6 asked by Sri T. Purushothama Mudaliar at the meeting of the Legislative Council held on 30th June 1952, page 56 supra.]

Statement showing annual savings to the State since the inception of the State Transport Department.

Accounting period.	Government Bus Service.	Government Automobile Workshop.	Government Coach Building Factory.
	RS.	RS.	RS.
Since inception—			
1947-48 ..	6,00,461	Loss 1,208	(Not in existence)
1948-49 ..	8,59,296	32,980	2,07,317
1949-50 ..	1,47,602	1,07,146	1,03,291
1950-51 ..	4,21,937	2,03,048	85,414
Total	20,29,296	3,41,946	3,96,022

APPENDIX II.

[Vide item VI on page 66 supra.]

L.A. BILL No. 3 OF 1952.

(As passed by the Assembly.)

A Bill to provide for continuing the requisition of, and for acquiring where necessary, certain immovable properties which are now subject to requisition under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952).

WHEREAS it is expedient to provide for continuing the requisition of, and for acquiring where necessary, certain immovable properties which are now subject to requisition under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952); It is hereby enacted as follows:—

1. *Short title, extent and duration.*—(1) This Act may be called the Madras Requisitioned Land (Continuance of Powers) Act, 1952.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force at once, and shall cease to have effect on the 1st day of April 1953 except as respects things done or omitted to be done before that date; and section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if this Act had then been repealed by a Madras Act.

2. *Continuance of requisition.*—All immovable properties which were requisitioned by or under the authority of the

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State Government and for their purposes under the rules made under the Defence of India Act, 1939 (Central Act XXXV of 1939), and which at the commencement of this Act continued to be under requisition by virtue of the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947), Madras Act II of 1951, Madras Ordinance I of 1952 and Madras Ordinance II of 1952 shall continue to be subject to requisition until the expiry of this Act; and the State Government may use or deal with any such immovable property (hereinafter referred to as requisitioned land) in such manner as may appear to them to be expedient:

Provided that the State Government may at any time release any requisitioned land from requisition.

3. Release from requisition.—(1) Where any requisitioned land is to be released from requisition, the State Government may, after making such inquiry, if any, as they consider necessary, specify by order in writing the person to whom possession of the land shall be given:

Provided that an order under this sub-section specifying some person other than the person from whom possession of the land was taken at the time of the requisition shall not be passed unless notice is given to the latter, or if he is dead, to his heirs or legal representatives and his or their representations, if any, have been considered.

(2) The delivery of possession of the requisitioned land to the person specified in an order made under sub-section (1) shall be a full discharge of the State Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom possession of any requisitioned land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the land and shall also publish the notice in the *Fort St. George Gazette*.

(4) When a notice referred to in sub-section (3) is published in the *Fort St. George Gazette*, the land specified on such notice shall cease to be subject to requisition on and from the date of such publication; but the State Government shall be in charge of such land until it is delivered to the person specified in the order under sub-section (1), or to his heirs or legal representatives or to an agent or other person empowered to accept delivery on behalf of such person or his heirs or legal representatives.

(5) The State Government shall not be liable for any compensation or other claim whatsoever in respect of the

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land for any period after the date of the publication of the notice referred to in sub-section (3), in any case, including the case where they are in charge of the land in pursuance of sub-section (4).

4. Power to acquire requisitioned land.—(1) If at any time the State Government are of opinion that it is necessary to acquire any requisitioned land for a public purpose, they may acquire such land by publishing in the *Fort St. George Gazette* a notice to the effect that they have decided to acquire such land in pursuance of this section.

(2) When a notice as aforesaid is published in the *Fort St. George Gazette*, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances, and the period of requisition of such land shall end.

(3) No requisitioned land shall be acquired under this section except in the following circumstances, namely :—

(a) where any works have during the period of requisition been constructed on, in or over, the land wholly or partly at the expense of the State Government and they decide that the value of, or the right to use, such works should be preserved or secured for the purposes of the State Government; or

(b) where the cost of restoring the land to its condition at the time of its requisition would, in the determination of the State Government, be excessive having regard to the value of the land at that time and the owner declines to accept the release from requisition of the land without payment of compensation from the State Government.

(4) For the purposes of clause (a) of sub-section (3), "works" includes buildings, structures and improvements of every description.

5. Payment of compensation.—(1) In respect of the continued subjection of requisitioned land to requisition under this Act, compensation shall be determined and paid in accordance with the provisions of section 19 of the Defence of India Act, 1939 (Central Act XXXV of 1939), and of the rules made thereunder set out in the Schedule to this Act :

Provided that all agreements and awards for the payment of compensation in respect of any requisitioned land for any period of requisition before the commencement of this Act and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that land for any period of requisition after such commencement.

(2) In respect of any acquisition of requisitioned land under this Act, the amount of compensation payable shall be the price which the requisitioned land would have fetched in the open market if it had remained in the same condition as

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it was at the time of the requisition and been sold on the date of acquisition, and such amount shall be determined and paid in accordance with the procedure set out in the aforesaid section 19 and the rules made thereunder.

(3) For the purposes of sub-section (1) all the provisions of the aforesaid section 19 and of the rules made thereunder, and for the purposes of sub-section (2) such of those provisions as relate to matters of procedure, shall be deemed to be continuing in force.

6. Power to obtain information.—(1) The State Government may, with a view to carrying out the purposes of sections 2 to 5, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any requisitioned land as may be specified.

(2) Every person required to furnish such information as is referred to in sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Indian Penal Code (Central Act XLV of 1860).

7. Exercise of Government's powers and duties by others.—The State Government may, by order notified in the *Fort St. George Gazette*, direct that any power conferred or any duty imposed on them by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be so specified.

8. Protection of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Act or any order made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of this Act or any order made thereunder.

9. Repeal of Central Act XVII of 1947, Madras Act II of 1951, Madras Ordinance I of 1952 and Madras Ordinance II of 1952.—(1) The Requisitioned Land (Continuance of Powers) Act, 1947 (hereinafter referred to as the said Act), in so far as it relates to the immovable properties referred to in section 2, and the enactments continuing the operation of that Act, namely, Madras Act II of 1951, Madras Ordinance I of 1952 and Madras Ordinance II of 1952, are hereby repealed:

Provided that anything done or any action taken in the exercise of any power conferred by or under the said Act or Madras Ordinance II of 1952, at any time before the commencement of this Act, shall be deemed to have been done or

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taken in the exercise of the corresponding power conferred by or under this Act, as if this Act were in force at the time when such thing was done or such action was taken.

(2) For the avoidance of doubt, it is hereby declared that the repeal of the said Act by Central Ordinance III of 1952 and Central Act XXX of 1952 shall not be deemed to have affected the operation of the said Act, as respects any requisitioned land as defined therein which at the time of such repeal was subject to requisition by or under the authority of the State Government and for their purposes.

SCHEDULE.

(See section 5.)

SECTION 19 OF THE DEFENCE OF INDIA ACT, 1939 (CENTRAL ACT XXXV OF 1939).

19. (1) Where by or under any rule made under this Act any action is taken of the nature described in sub-section (2) of section 299 of the Government of India Act, 1935, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say:—

Compensation to be paid in accordance with certain principles for compulsory acquisition of immovable property, etc.

(a) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified under sub-section (3) of section 220 of the abovementioned Act for appointment as a Judge of a High Court.

(c) The Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property acquired, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose.

(d) At the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(e) The arbitrator in making his award shall have regard to—

(i) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable; and

(ii) whether the acquisition is of a permanent or temporary character.

(f) An appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf by rule made by the Central Government.

(g) Save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

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(2) The Central Government may make rules for the purpose of carrying into effect the provisions of this section.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed in arbitrations under this section;

(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;

(c) the maximum amount of an award against which no appeal shall lie.

RULES MADE UNDER SECTION 19 OF DEFENCE OF INDIA Act, 1939.

1. (1) These rules may be called the Defence of India (Payment of Compensation and Arbitration) Rules, 1943.

(2) These rules shall apply to all cases where action is taken under rule 75-A of the Defence of India Rules by or on behalf of the State Government, or by an officer of the State Government on behalf of the Central Government.

2. In these rules unless there is anything repugnant in the subject or context,

(a) "the Act" means the Defence of India Act, 1939;

(b) "Collector" means the Collector of a district or any officer authorized to exercise the powers under rule 75-A of the Defence of India Rules in regard to immovable property;

(c) "Court" means a Principal Civil Court of original jurisdiction;

(d) "person interested" includes all persons claiming an interest in compensation to be made for immovable property requisitioned or acquired under rule 75-A of the Defence of India Rules;

(e) "property" means immovable property requisitioned or acquired under rule 75-A of the Defence of India Rules.

3. In determining the amount of compensation the Collector shall be guided,

(a) in case of requisitioning, by the principles which the State Government may, by order, specify in that behalf; and

(b) in cases of acquisition, by the provisions contained in section 23 (1) of the Land Acquisition Act, 1894, so far as the said section can be made applicable.

4. The Collector shall, as soon as may be practicable after the making of a requisitioning order or the service or publication of a notice of acquisition, communicate, to each person interested, an offer of what, in the opinion of the Collector, is a fair amount of compensation payable to such person in respect of the property requisitioned or acquired.

5. If the owner of the property is not readily traceable or if there be no person competent to alienate the property or if the ownership of the property is in dispute or if there be any dispute

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as to the title to receive the compensation or as to the apportionment of the amount offered as compensation, the Collector shall deposit in Court the amount of the compensation as determined by him under rule 3. He shall at the same time submit to the State Government through the Board of Revenue, a report setting forth the full facts of the case with all the connected papers and apply for the appointment of an arbitrator. Where the compensation is recurring, the Collector shall, in cases covered by this rule, deposit the amount in Court from time to time in arrear as it falls due.

6. (1) Every person interested, to whom an offer is made under rule 4, shall, within fifteen days of the receipt of the offer, communicate in writing to the Collector his acceptance or otherwise of the offer. If he accepts the offer, the Collector shall enter into an agreement with him on behalf of the State Government or the Central Government, as the case may be, in the form in Schedule I or Schedule I-A annexed to these rules with such modifications as the nature of the case may require. Except in the cases specified in sub-rule (2), the Collector shall, as soon as may be practicable thereafter, pay to such person the sum specified in the offer.

(2) If the compensation is recurring, it shall, except in the cases hereinafter mentioned, be paid in arrears. If in the opinion of the Collector some immediate payment is necessary to alleviate hardship and the person interested has accepted the offer made under rule 4, the Collector may make an advance payment to him of an amount not exceeding the compensation payable for the first six months. If the compensation payable for a year does not exceed Rs. 10, the Collector may pay half-yearly in advance, the compensation due for every six months.

(3) In the following circumstances, the Collector may, at his discretion, make, to persons of small means, an advance payment up to 80 per cent of the amount which, in his opinion, is likely to be assessed as compensation, or recurring compensation for the first six months, as the case may be—

(a) when there is likely to be delay in assessing compensation,

(b) where the Collector has made an assessment but there is delay in reaching an agreement, though there is a reasonable prospect of agreement being reached, or

(c) where it is clear that an agreement cannot be reached.

(4) If the Collector makes an advance payment under sub-rule (3), he shall enter into an agreement with the person to whom payment is made on behalf of the State Government or the Central Government, as the case may be, in the form in Schedule II annexed to these rules, with such modifications as the nature of the case may require.

7. If any person to whom an offer is made under rule 4 does not accept the offer or does not within fifteen days of the receipt of the offer, communicate in writing to the Collector his acceptance or otherwise of the offer, the Collector shall, as soon as may be, submit to the State Government through the Board of Revenue a report setting forth the full facts of the case particularly as regards the nature and extent of disagreement

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between himself on the one hand and the said person on the other and he shall also forward with the report all the connected papers. The Collector shall at the same time deposit in court the amount offered by him to the said person under rule 4.

8. If on examination of the report submitted by the Collector under rule 7, and after further enquiries if necessary, the State Government are satisfied that an agreement cannot be reached they shall appoint an arbitrator under section 19 (b) of the Act. They shall also likewise appoint an arbitrator in every case in which they receive an application from the Collector under rule 5.

9. As soon as an arbitrator is appointed, the State Government or the Collector shall forward or cause to be forwarded to the arbitrator the relevant records connected with the case.

10. (1) The arbitrator shall, not later than three weeks from the date of receipt of the records referred to in rule 9, fix a day or days for hearing the claims and shall give notice thereof to the person or persons interested and to the Collector, at least five clear days before such hearing.

(2) On the day or days so affixed, the arbitrator shall proceed to inquire into the case, shall take such evidence as may be adduced on behalf of the claimants and on behalf of the State or Central Government, as the case may be, and shall make an award of the amount of compensation which in his opinion should be allowed for the property and of the apportionment of the said compensation among all persons known to be interested in the property.

(3) The arbitrator may adjourn his sittings, if he finds it necessary to do so, but the case shall be disposed of as expeditiously as possible.

11. Every award under rule 10 shall be in writing signed by the arbitrator and shall specify the grounds of the award.

12. As soon as the arbitrator makes an award under rule 10, the Collector shall pay the compensation awarded by the arbitrator to the persons entitled thereto according to the award except in the following cases:—

(1) Cases mentioned in rule 5.

(2) Cases in which the persons interested do not consent to receive payment but propose to appeal to the High Court against the award of the arbitrator and in which such an appeal lies under rule 14.

In the excepted cases, the Collector shall deposit in court the amount if any awarded by the arbitrator in excess of that determined by him under rule 3.

13. If any money is deposited in court under rule 5, rule 7 or rule 12, the court shall deal with it in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

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14. No appeal shall lie to the High Court against the award of an arbitrator—

(i) in the case of an award of recurring compensation, where the total amount of such compensation for a period of five years does not exceed Rs. 5,000;

(ii) in other cases where the amount of the award does not exceed Rs. 5,000.

15. The arbitrator shall include in his award a statement of all costs, expenses and charges properly incurred by each of the parties in the course of the arbitration proceedings and, having regard to all the circumstances of the reference to arbitration, the proceedings thereon and the results thereof, decide how these costs, expenses and charges should be apportioned between the parties.

16. No person claiming under an award made under rule 10 shall be liable to pay any fee for a copy of the same.

SCHEDULE I.

[See rule 6 (1).]

Form of agreement to be made on behalf of the ^{State} ~~Central~~ Government with owners of immovable property requisitioned when payment is made in full.

MEMORANDUM OF AGREEMENT made this _____ day of _____ one thousand nine hundred _____ BETWEEN _____ son of _____ by caste _____ by occupation _____

at present residing at _____ hereinafter referred to as the ^{owner} ~~owners~~ (which expression shall unless excluded by or repugnant to the context be deemed to include ^{his} ~~their~~ heirs executors administrators and assigns) of the one part AND THE ^{GOVERNOR OF MADRAS} ~~CENTRAL GOVERNMENT~~ (hereinafter referred to as the Government) of the other part.

WHEREAS the immovable property particulars whereof are set out in the schedule hereunder (hereinafter called the said property) has been requisitioned under the Defence of India Act, 1939, and the rules framed thereunder and on the _____ day of _____ 19 _____ taken possession of by or on behalf of or under the authority of the Government;

AND WHEREAS the ^{owner has} ~~owners have~~ represented and stated to the Government that the ^{owner} ~~owners~~ alone ^{is} ~~are~~ entitled to all compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS the said property consists *inter alia* of land and structures and Government has dismantled the said structures; [Omit if the owner had no structures.]

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[Omit if the owner had no structures.]

AND WHEREAS the owner
owners and the Government have mutually agreed to settle the amount of compensation payable by the Government to the owner
owners in connexion with the said requisition in the manner hereinafter appearing;

AND WHEREAS the Government have agreed to pay to the owner in advance a sum not exceeding the recurring compensation payable for the first _____ months of the said requisition;

NOW THIS AGREEMENT WITNESSETH as follows:—

[Omit if the owner had no structures.]

1. The Government shall pay and the owner
owners shall accept and receive a sum of Rs. _____ in full settlement of the compensation for the structures.

2. The Government shall pay and the owner
owners shall accept and receive a payment of Rs. _____ per month/quarter/year in arrear for the said property with effect from the said day of _____ 19____, so long as the Government shall remain in possession thereof and the requisition continues, the payment for the first _____ months being paid in advance.

3. The owner
owners shall not claim or be entitled to any other compensation whatsoever in connexion with the said requisition.

4. The owner
owners shall meet and pay the revenue, rent, municipal taxes and all other outgoings relating to the said property whether payable by the owner
owners or the occupier thereof.

5. If it hereafter transpires that the owner is
owners are not entitled or exclusively entitled to the compensation payable in respect of the said property or if the Government have to pay any compensation to any other person the owner
owners shall refund to the Government the compensation paid or such part thereof as the owner is
owners are not entitled to and shall otherwise indemnify the Government against any loss or damage suffered by the Government by reason of any fault or defect in title as represented by the owner
owners. Without prejudice to any other remedies for the enforcement of such refund and indemnity the Government may recover any sum payable by way of refund and/or indemnity as arrears of land revenue.

6. Should any dispute or difference arise out of or concerning the subject-matter of these presents or any covenant, clause or thing herein contained or otherwise arising out of the requisition aforesaid the same shall be referred to an arbitrator to be appointed by the State Government and the decision of such arbitrator shall be conclusive and binding on the parties hereto. The provisions of the Arbitration Act, 1940, shall apply to such arbitration.

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Schedule above referred to.

(Particulars and description of property requisitioned.)

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

SIGNED and DELIVERED by the abovenamed
owner
owners in the presence of

SIGNED and DELIVERED for and on behalf
 of the Governor of Madras
Central Government by
 in the presence of

(When advance payment is made, the following shall be endorsed on the agreement.)

The owner acknowledges
owners acknowledge to have received on this date the sum of Rs. being an advance payment of the amount payable under paragraph hereof in respect of the period from to

Dated the day of

SCHEDULE I-A.

[See rule 6 (1).]

Form of agreement to be made on behalf of the State
Central Government with the owner of immovable property acquired when payment is made in full.

MEMORANDUM OF AGREEMENT made this day of 19

BETWEEN son of
 by caste by occupation
 at present residing at
 (hereinafter called the owner which expression shall unless excluded by or repugnant to the context be deemed to include his heirs, executors, administrators and assigns) of the one part

AND the Governor of Madras
Central Government (hereinafter called the Government) of the other part.

WHEREAS the immovable property, particulars whereof are set out in the schedule below (hereinafter called the said property) has been acquired under the Defence of India Rules on the day of

AND WHEREAS the owner has represented and stated to the Government that he alone is entitled to the compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS the owner and the Government have mutually settled the amount of compensation payable by the Government to the owner in connexion with the said acquisition;

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Now, THIS AGREEMENT WITNESSETH as follows:—

The Government shall pay and the owner shall accept and receive a sum of Rs. _____ in full settlement of the compensation for the said property.

2. If it hereafter transpires that the owner is not entitled or exclusively entitled to the compensation payable in respect of the said property or if the Government have to pay any compensation to any other person, the owner shall refund to the Government the compensation paid or such part thereof as the owner was not entitled to receive and shall otherwise indemnify the Government against any loss or damage suffered by the Government by reason of any fault or defect in title as represented by the owner. Without prejudice to any other remedies for the enforcement of such refund and indemnity, the Government may recover any sum payable by way of refund and/or indemnity as arrears of land revenue.

3. Should any dispute or difference arise out of or concerning the subject-matter of these presents or any covenant, clause or thing herein contained or otherwise arising out of the acquisition aforesaid, the same shall be referred to an arbitrator to be appointed by the Government and the decision of such arbitrator shall be conclusive and binding on the parties hereto. The provisions of the Arbitration Act, 1940, shall apply to such arbitration.

Schedule above referred to.

IN WITNESS WHEREOF _____ and _____ acting for and on behalf of and by the order and direction of the Governor of Madras _____ have hereunto set their hands. Central Government

SIGNED by the abovenamed }
in the presence of

SIGNED by the abovenamed }
in the presence of

(When payment is made, the following shall be endorsed on the agreement.)

“The owner acknowledges to have received on this date the sum of Rs. _____ in full settlement of the compensation payable under clause 1 hereof.”

SCHEDULE II.

[See rule 6 (4).]

Form of agreement to be made on behalf of the State Central Government with owners of immovable property requisitioned when the persons to be compensated are known but for want of agreement as to the amount of compensation certain sums are paid on account.

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MEMORANDUM OF AGREEMENT made this
day of one thousand nine hundred and
BETWEEN

son of by caste at present residing at
by occupation hereinafter referred to as the
owner
owners (which expression shall unless excluded by or repugnant
to the context be deemed to include his heirs, executors,
their respective administrators and assigns) of the one part AND THE GOVERNOR OF
MADRAS CENTRAL
GOVERNMENT (hereinafter referred to as the Government) of the
other part.

WHEREAS the immovable property, particulars whereof are set out
in the schedule hereunder (hereinafter called the said property)
has been requisitioned under the Defence of India Act, 1939, and
the rules framed thereunder and in the
day of 19 taken possession of by or on
behalf of or under the authority of the Government;

AND WHEREAS the said owner has represented and stated to
owners have the Government that the owner is entitled to all com-
owners alone are pensation payable in respect of the said property and no other
person has any right to such compensation or any part thereof;

AND WHEREAS no agreement has been arrived at between the
parties as to the amount of compensation payable to the owner
owners and the Government has at the request of the owner
owners agreed to
make payment to the owner on account pending an agreement
owners between the parties as to the amount of compensation payable
or the final determination of such amount under the law.

Now THIS AGREEMENT WITNESSETH as follows:—

1. The Government shall pay and the owner shall accept and
owners receive payment of Rs. per month/quarter/year
for the said property with effect from the said day of
19 pending agreement as to or determination of the amount
payable as compensation to the owner
owners.

2. Upon such agreement or determination of the amount pay-
able as compensation as aforesaid, an account shall be prepared
crediting the Government with the payments made by the
Government as aforesaid and debiting the Government with the
amount payable as compensation. If on such account being
prepared there is a balance in favour of the Government, the
amount of such balance shall be forthwith refunded by the

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owner
owners to the Government. If there is a balance payable to the owner
owners, the Government shall pay the amount thereof to the owner
owners.

3. If it hereafter transpires that the owner is
owners are not entitled or exclusively entitled to the compensation payable in respect of the said property or if the Government have to pay any compensation to any other person, the owner
owners shall refund to the Government the payments made hereunder and shall otherwise indemnify the Government against any loss or damage suffered by the Government by reason of any fault or defect in his
their title as represented by him
them. Without prejudice to any other remedies for the enforcement of any refund and/or indemnity, the Government may recover any sum payable by way of refund and/or indemnity as arrears of land revenue.

4. Should any dispute or difference arise out of or concerning the subject-matter of these presents or any covenant, clause or thing herein contained or otherwise arising out of the requisition aforesaid the same shall be referred to an arbitrator to be appointed by the State Government and the decision of such arbitrator shall be conclusive and binding on the parties hereto. The provisions of the Arbitration Act, 1940, shall apply to such arbitration.

Schedule above referred to.

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

SIGNED and DELIVERED by the abovenamed
owner
owners in the presence of

SIGNED and DELIVERED for and on behalf of the
Governor of Madras
Central Government by